

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JEFF BROWN and SHERRI GOTHIER,
Individually and as Co-Special
Administrators of the Estate of KB,
Deceased,**

Plaintiffs,

vs.

**PROVIDENCE MEDICAL CENTER,
(Wayne, Nebraska), MERCY MEDICAL
SERVICES, MERCY HEALTH SERVICES
– Iowa Corp., and MERCY MEDICAL
CENTER – Sioux City,**

Defendants.

CASE NO. 8:12CV31

ORDER

This matter is before the Court on the Plaintiffs' unopposed Motion to Dismiss Providence Medical Center (Only) (Filing No. 72). The Plaintiffs seek an order dismissing only Defendant Providence Medical Center from this action because all claims asserted against Providence Medical Center have been settled through mediation and Providence Medical Center has been released from any and all liability. Plaintiffs state that they "have reserved and preserved any and all claims they might have against any other parties, including the other Defendants herein." (*Id.*) Under Federal Rule of Civil Procedure 41(a)(2), the Court finds that the motion should be granted, and the claims asserted against Providence Medical Center should be dismissed, with prejudice. Accordingly,

IT IS ORDERED:

1. The unopposed Motion to Dismiss Providence Medical Center (Only) (Filing No. 72) is granted;

2. All claims for relief stated in the Plaintiffs' Complaint against Defendant Providence Medical Center (Wayne, Nebraska), are dismissed with prejudice; and

3. To the extent not otherwise agreed upon by the parties, the affected parties will bear their own costs and attorney's fees.

Dated this 5th day of February, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge